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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/405).

The Counter-Terrorism Committee has received the attached supplementary report from Kuwait, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 17 July 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the pleasure to refer to your letter of 1 April 2002 and to forward herewith a report including the replies of the State of Kuwait to the inquiries submitted by the Committee on Counter-Terrorism established pursuant to Security Council resolution 1373 (2001) (see enclosure 1).

In addition, I am also enclosing a compilation of relevant provisions of legal enactment, bilateral and multilateral agreements of the State of Kuwait (see enclosure 2).

(*Signed*) Mohammad A. **Abulhasan**
Ambassador
Permanent Representative

Enclosure 1

[Original: Arabic]

Report containing the replies of the State of Kuwait to the questions asked by the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In the first place, the State of Kuwait wishes to thank the Counter-Terrorism Committee for its painstaking and sustained efforts to follow up all the reports received from Member States.

The State of Kuwait reaffirms its unfailing cooperation with the United Nations through the Committee, and the necessity of providing the Committee with appropriate and complete replies to its questions, and has the honour to attach the following:

I. The replies of the State of Kuwait to the questions of the Counter-Terrorism Committee.

II. A list of the relevant bilateral and international conventions and of the laws and decrees of Kuwait in force.*

Replies of the State of Kuwait to the questions submitted by the Counter-Terrorism Committee

Paragraph 1 (a):

The Counter-Terrorism Committee requests information on how the supreme ministerial committee for the control of charitable work at home and abroad works with the subcommittee to ensure that funds received by associations are not diverted from their stated purposes, for example to terrorist activities.

In the framework of the reorganization of charitable work in the aftermath of the events of 11 September 2001 the Council of Ministers of Kuwait set up a ministerial committee chaired by the Deputy Prime Minister and Minister for Foreign Affairs to review and implement the recommendations and proposals made by the Council of Ministers. It also established the Supreme Committee for the control of charitable work, under the chairmanship of the Minister of Social Affairs and Labour, to act as a permanent authority for the control of charitable work and to perform the following functions:

1. To define systematic policies and regulations for the collection of donations.

2. To support the efforts of charitable institutions, raise their standard of performance and ensure financial control over their activities.

* The annexes are on file with the Secretariat and are available for consultation.

3. To provide coordination between governmental and popular institutions in order to ensure the effectiveness of charitable work and its contribution to social development.

In this connection, the Government has taken the following measures:

I. The Ministry of Information has terminated the information and advertising campaigns of public welfare associations and of committees involved in collecting donations from the public.

II. The Municipality of Kuwait prohibits the granting to any association or committee of a construction permit or of authorization to rent any building, real estate or premises in the State of Kuwait in connection with the collection of donations, other than with the prior approval of the Ministry of Social Affairs and Labour.

III. The Central Bank, with the prior approval of the Ministry of Social Affairs and Labour, notifies all local banks and currency exchange businesses that it is prohibited to open bank accounts in the name of associations or committees and to make any foreign transfers.

IV. The Ministry of Social Affairs and Labour, in cooperation with the Ministry of the Interior, removes and eliminates on a daily basis all means for the collection of contributions, of whatever kind, from all areas of Kuwait, whether money boxes, collection boxes or kiosks for the collection of contributions or clothing.

V. The Ministry of Social Affairs and Labour is inviting offers from worldwide accounting firms to oversee and audit the accounts of public welfare associations and their subsidiary charitable committees, and is preparing a public call for tender in order to select the accounting firms, on the basis of specific criteria as to their qualifications, to audit the accounts of the charitable associations.

VI. The Ministry of Social Affairs and Labour is preparing studies and qualitative investigations, supervising the charitable associations and institutions, and preparing the regulatory administrative structure prior to approaching the competent bodies for their endorsement.

VII. The internal rules for the organization and regulation of charitable work and the conduct of the related meetings have been prepared.

In view of the efforts being made by the international community to stop violations committed by non-banking institutions or informal banking networks that are not subject to the official supervisory arrangements, please indicate how enforcement procedures are applied under Kuwaiti legislation.

The legislation in force in the State of Kuwait does not allow any establishments to operate in Kuwait other than with the authorization of the Ministry of Trade and Industry. Authorization is not granted to any bank, investment company, currency exchange company or investment fund, other than with the approval of the Central Bank, and such entities are subject to its full control.

Under existing legislation, all the entities subject to the control of the Central Bank are legally obliged to implement and comply at all times with the directives received from the Bank. They are also obliged to comply with the relevant laws and decrees, including legislation and decrees related to combating money-laundering

operations and the funding of terrorism. Article 19 of law No. 35 of 2002 on combating money-laundering states that: "The Minister of Finance shall issue a decree on the measures and standards required to implement the provisions of this law". In addition, there is the draft ministerial decree concerning directives to be adopted to combat money-laundering operations which is due to be issued by the Ministry.

If any of the said entities infringes the directives issued to it by the Central Bank it is subject to the penalties set forth in law No. 32 of 1968 concerning money, the Central Bank of Kuwait and the regulation of the banking profession. Under the law, the penalties are graduated, on the basis of the gravity of the offences committed, on a scale beginning with an official warning to the offending entity, up to and including such entity's delisting and disbandment.

Paragraph 1 (b):

Apart from acts and activities causing terror or fear and sabotage committed against the regular authorities of the State, does the penal code criminalize the financing of terrorist acts as requested by this subparagraph? If so, what penalties apply?

The Penal Code of Kuwait indirectly criminalizes terrorist acts and curbs terrorism under the text of articles 48 and 52 of the Penal Code; although the text does not explicitly mention or identify "terrorist crimes", article 48 specifies:

> "The following shall be regarded as an accomplice in the crime before it is committed:
>
> 1. Any person who instigates the commission of an act constituting a crime ...
>
> 2. Any person who agrees with another to commit an act constituting a crime ...
>
> 3. Any person who, by any means whatever, knowingly assists the perpetrator in actions in preparation for a crime ..."

Similarly, paragraph 1 of article 52 of that law specifies that "any person who participates in a crime before it is committed shall be liable to punishment, except where the law prescribes otherwise".

Under these two texts, terrorist acts may be included among the crimes to which these punishments apply since such acts are considered to be one form of participation in the crime by instigating it, consenting to it or assisting in it.

Paragraph 1 (c):

The Counter-Terrorism Committee wishes to know whether there are or will be legal or regulatory provisions to authorize the confiscation of funds and assets in addition to those contained in the law to combat money-laundering operations.

The Government of Kuwait has agreed in principle to accede to the International Convention for the Suppression of the Financing of Terrorism which is currently under discussion in the Parliament of Kuwait. In the event of accession, the Convention will have the force of law and its provisions will become mandatory. It contains provisions concerning the freezing, seizure and confiscation of assets

used for the funding of terrorist acts. In addition, as law No. 35 of 2002 on combating money-laundering operations is the only law on this matter, it contains provisions relating to the confiscation and seizure of assets obtained through money-laundering operations.

With the exception of the law on combating money-laundering, the Penal Code of Kuwait (art. 66, para. 6) prescribes "confiscation as an incidental and supplementary penalty under the law".

Articles 77, 90, 91 and 92 of the law on criminal proceedings and trials authorize the seizure and retention of assets and items used in or obtained from criminal activities, on the basis of a decision of the examining magistrate at the initial stage of the investigation before the criminal charges are filed or before the accused are brought to trial.

Article 78 of the same law provides:

> "If the judge imposes a sentence in respect of a crime or premeditated misdemeanour, he may order the confiscation of the items seized if they were used, or might have been used, in the commission of the crime, and of any items obtained as a result of the crime, without prejudice to the bona fide rights of others with respect to such items.
>
> If the making, possession or handling of the items referred to in the preceding paragraph is in itself a crime, the judge may order their confiscation, even if other persons have bona fide rights with respect to them."

Paragraph 1 (d):

Please describe in more detail the administrative mechanism and the legal basis for the imposition of direct or indirect prohibitions on property, financial assets, economic resources or financial or other services.

In this instance, the administrative mechanisms are as follows: the Central Bank of Kuwait receives rulings from the competent bodies in the State, namely, the Office of the Prosecutor General, the judicial authorities and the Ministry of Foreign Affairs, to impose direct or indirect prohibitions on property, financial assets, economic resources or financial or other services affecting the entities subject to the control of the Central Bank of Kuwait. On receiving such a ruling, the Bank immediately circulates it to all the said entities for immediate action and thereafter informs the competent bodies concerned of the outcome of the measures it has taken.

Paragraph 2 (a):

Please specify which provisions of the Kuwaiti Penal Code apply to recruitment to terrorist groups and to the supply of weapons to terrorists, and outline them.

Although the provisions of penal legislation in Kuwait do not yet incorporate the term "counter-terrorism", the laws currently in force criminalize all acts coming under this head, including the recruitment of persons without authorization from the Government for any groups or other bodies and also the possession and use of weapons and explosives without authorization.

Article 4, paragraph 1, of law No. 31 of 1973 amending certain provisions of the Penal Code, provides that "any person who without authorization from the Government assembles an army or commits any other act of aggression against a foreign State such as may expose Kuwait to the risk of war or severance of diplomatic relations shall be punished by not less than three years' imprisonment".

Articles 1 to 5 of law No. 35 of 1985 on explosives offences lays down penalties ranging from fixed-term or life imprisonment to death for any person who commits any of the following crimes:

1. Use of or attempted use of explosives for the purpose of killing persons, creating panic or damaging buildings or utilities;

2. Use of or attempted use of explosives in such a manner as to endanger the lives of persons or their property;

3. Acquisition, possession, manufacture, procurement, importation, exportation, transportation of or trafficking in or any attempt at the aforementioned acts before obtaining authorization on the conditions laid down by the Minister of the Interior;

4. Training or inciting persons to manufacture or use explosives for the purpose of using such persons for the achievement of an unlawful end, or any attempt at such acts;

5. Failure to notify the competent authorities of knowledge of the existence of a plan to commit any of the offences set forth in the preceding clauses or knowledge of the occurrence thereof or assisting the offender to flee from justice by hiding him or by concealing or destroying evidence of the offence or concealing the objects used or prepared for use in commission of the offence or emanating from it.

Articles 20 and 21 of law No. 13 of 1991 on weapons and ammunition lays down penalties of imprisonment for a term not exceeding seven years or a term not exceeding five years with a fine for the commission of any of the following crimes:

1. Possession or acquisition of weapons and ammunition without authorization from the Minister of the Interior;

2. Possession or acquisition of guns, machine guns and silencers (absolutely and in all circumstances).

Under the provisions of these legislative texts and the provisions relating to complicity in a crime prior to its commission referred to above in our response concerning paragraph 1 (b), recruitment to terrorist groups and the provision of weapons, ammunition or explosives to terrorists are covered by Kuwaiti criminal law.

In addition, we would add that article 48 (3) of the Kuwaiti Penal Code provides that any person shall be regarded as an accomplice "who, by any means whatever, knowingly assists the perpetrator in actions in preparation for a crime and the crime occurs on the basis of such assistance".

Article 53 of the Code provides that "an accomplice in the crime before it is committed shall be liable to the penalty laid down for the crime, even if it is committed other than in the manner intended or if the crime committed is other than the one in which he intended to participate, where the manner of implementation or

the crime actually committed is a probable result of the acts of participation committed by him".

Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Kuwait, including in particular:

- **The carrying out, within or from Kuwait, of recruiting, collecting funds and soliciting of other forms of support from other countries; and**
- **Deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.**

Following the events of 11 September 2001, the State of Kuwait has monitored and regulated the activities of charitable committees and bodies, their incoming and outgoing funds and the mode of their disbursement, subjecting them to prior authorization.

The method followed in Kuwait to combat secret recruitment or collection of funds is based on the activity of the State security investigation organs and the criminal investigation organs, in cooperation with intelligence organs inside and outside the country. The organs of the Ministry of the Interior carry out this work in accordance with the laws and regulations governing their activity.

Paragraph 2 (b):

What is the machinery for cooperation among the various State institutions for arriving at a unified approach to the implementation of decisions, particularly insofar as concerns interaction between the authorities responsible for the combating of narcotic drugs, the tracking of financial resources and security, including border control organs (paragraph 2 (g))?

The State institutions cooperate with each other in order to arrive at a unified approach in the implementation of decisions, each within its area of competence. Usually, joint commissions representing these institutions are established to consider a particular topic. With regard to narcotic drugs and the combating thereof, the Ministry of the Interior is the competent body, acting through its anti-drug agency. It also has border security and coastguard organs.

The Ministry of the Interior cooperates with the General Directorate of Customs, both through coordination between the two and by the holding of meetings at all levels, including the exchange of information and requests received from competent authorities or through organizations and the Regional Information Liaison Office.

Through this machinery, narcotic drugs are detected and confiscated, and drug offenders are turned over to the office of the Attorney-General.

There is also close cooperation with the Ministry of Health, consisting of assistance in extracting narcotic drugs from persons suspected of concealing them in their intestines and preparing the necessary official reports in preparation for referral of the suspects to the Ministry of the Interior.

There is also close cooperation with the Ministry of Trade and Industry through the referral to it of all precious metals for testing and clearance.

Monthly reports are prepared and sent to the Central Bank regarding all individuals or companies that import or export funds.

On the basis of the tracking of financial resources, immediately upon notification to the authorities concerned, it is up to the Ministry of the Interior's security agency and Interpol to determine whether any crime is involved.

The perpetrators of terrorist-related customs offences are tracked down inside Kuwait through cooperation between the Ministry of the Interior and the General Directorate of Customs. Such offenders who manage to leave the country before being apprehended are pursued through notification to the Ministry of the Interior. If a judicial decision has been handed down in respect of an offender, he is tracked down through coordination and cooperation between the executive organs of the Ministry of Justice, the office of the Attorney-General, Interpol and the General Directorate of Customs.

Please explain to which Arab or bilateral agreements on security matters the report refers, provide an outline of the agreements and describe how they are instrumental in setting up an early warning mechanism.

With regard to Arab or bilateral agreements on security matters, Kuwait has signed the Arab Convention on the Suppression of Terrorism and has concluded an agreement on security cooperation with the Republic of Hungary and signed a memorandum of understanding on cooperation in combating crime with the Islamic Republic of Iran. In addition, there are a number of draft agreements with a number of States which it plans to ratify.

On the question of how those agreements are instrumental in setting up an early-warning mechanism, the first two agreements mentioned above relate to the exchange of information on terrorist acts by means of rapid communications and hotlines and also through personal meetings between officials.

Paragraph 2 (c):

Please describe the procedure leading to a judicial or administrative decision calling for the expulsion of a person from Kuwait and outline in detail the Kuwaiti residence law 1959/17.

The procedure leading to a judicial or administrative decision calling for the expulsion of an alien from Kuwait may be followed if an alien commits a crime. Following his conviction, the judge may rule that the alien be deported from the country after serving the original sentence of imprisonment. Article 79, first and second paragraphs, of the Kuwaiti Penal Code (law No. 16 of 1960) provides:

> "Where a sentence of imprisonment is handed down against an alien, the judge may order his deportation from Kuwait when he has served his sentence, without prejudice to the right of the administrative authority to deport any alien in accordance with the law.
>
> "If an alien is the subject of a serious or custodial penalty in respect of a dishonourable crime or a crime against security, the judge shall deport him."

Under this provision, the procedure leading to a judicial decision for expulsion of a person from Kuwait depends on the handing down of a sentence of imprisonment against an alien. In such a case, the deportation order is mandatory where the penalty is serious (i.e. imprisonment for a term exceeding three years) and discretionary where the penalty is less serious (i.e. imprisonment for a term not exceeding three years).

In this connection, it should be mentioned that the penalty of deportation is a complementary penalty under article 66 of the above-mentioned code.

The administrative procedure for the expulsion of an alien is provided for in article 16 of law No. 17 of 1959 concerning residence of aliens in three cases:

1. Where an alien is sentenced and the court recommends a deportation order;

2. Where an alien has no apparent means of livelihood;

3. Where the Minister of the Interior considers that the deportation of an alien is required by the public interest, public security or morality.

This procedure is subject to the discretionary powers of the Minister of the Interior, as chief of police and public security, in accordance with law No. 17 of 1959 concerning residence of aliens and the laws amending it.

Paragraph 2 (d):

Are hostile acts against foreign States prohibited by article 4 of law No. 1970/71 even if there is no risk of war or severance of diplomatic relations?

Law No. 71 of 1970 amending the Penal Code contains, in article 4, a provision criminalizing any person who assembles an army or performs any other act of aggression against a foreign State that may expose Kuwait to the risk of war or severance of political relations. This law imposes a severe penalty that may extend to life imprisonment. It should be mentioned that this applies not only to terrorists in the sense of the question but also to any person who takes action against another State from inside the State of Kuwait.

Paragraph 2 (e):

Are the relevant provisions of the Penal Code of Kuwait applicable in all of the following circumstances:

- **Acts committed outside Kuwait by a person who is a citizen of, or habitually resident in, Kuwait (whether that person is currently present in Kuwait or not);**

- **Acts committed outside Kuwait by a foreign national who is currently in Kuwait?**

The Penal Code of Kuwait applies to criminal acts committed by a Kuwaiti citizen or an alien whether inside or outside Kuwait, in accordance with the general principles laid down in articles 11, 12 and 13 of the Penal Code.

Pursuant to these texts, the provisions in question differ from one case to another, as follows:

1. The Kuwaiti Penal Code applies in respect of all acts committed inside Kuwaiti territory, whether by a Kuwaiti or by an alien, in accordance with the principle of the territoriality of the Kuwaiti Penal Code, as laid down in article 11 thereof.

2. With regard to acts committed by a Kuwaiti citizen outside Kuwait, the Kuwaiti Penal Code applies on an exceptional basis, where a Kuwaiti citizen returns to Kuwait without having been acquitted by the foreign courts of the charge against him or without such courts having imposed on him a final sentence and such sentence having been served prior to his return, provided that the act in question is punishable under the provisions of Kuwaiti law and the law of the State in which the act was committed. This is in accordance with articles 12 and 13 of the Code.

3. Where acts that occur outside Kuwait are committed by an alien resident in Kuwait, the Kuwaiti Penal Code does not apply, in accordance with the principle of the territoriality of the law deriving from the above-mentioned provisions. However, in this case, the State of Kuwait is obliged to extradite the perpetrator of the crime to the State in which it occurred to be tried there, in accordance with judicial cooperation agreements or the principles of reciprocity applicable in this regard.

Paragraph 2 (f):

Please explain what is meant by (a) "the greatest possible assistance" and (b) assistance being permitted "to the extent permitted under national law". Does this mean that national law takes precedence over bilateral and multilateral agreements?

(a) The use of the term "the greatest possible assistance" means that, on the basis of its concern for the ties of cooperation, Kuwait performs its obligations under the agreements concluded between it and other States in accordance with the provisions thereof, having due regard to transparency in dealings, goodwill and the proper implementation of these agreements, in addition to providing other States with all the assistance it can in the field of information science and technology.

(b) Use of the phrase "to the extent permitted under national law" means that the signature of agreements on a specific topic is qualified by the fact that the State, before taking on any commitment, is already restricted by the provisions of the national Constitution and the laws and regulations, such as the budgetary allocations for such assistance, which must not be exceeded, and by the fact that the State must take legal and parliamentary measures before signing such agreements, while contravention of those laws, procedures and regulations would prejudice the legitimacy of such assistance and it would be called in question by the other authorities, either the legislative or the judicial.

Naturally, it should be stated here that national law carries considerable weight in the conclusion of bilateral and multilateral agreements.

(c) With regard to whether "national law takes precedence over" international agreements, the above-mentioned expression does not mean that national law takes precedence over international agreements but rather reflects the concern of the State, in undertaking obligations under bilateral and collective

agreements, to respect national laws, particularly with regard to assistance. After signature and commitment to be bound by the provision of these agreements, the agreements take priority with regard to application and, necessarily, become the equivalent of national law having binding force.

There is no impediment to their continued implementation unless the other party renounces its obligations thereunder, in which case the State may decide to apply the principle of reciprocity in the matter or, by a political decision or in accordance with its wish, take steps to withdraw from such agreement, on the basis of its provisions and the applicable provisions of international law.

With which countries has Kuwait concluded the agreements mentioned in the comment under this subparagraph?

Kuwait has concluded a general security agreement with the Republic of Hungary, some of the provisions of which relate to counter-terrorism. It has also signed a memorandum of understanding on the combating of crime with the Islamic Republic of Iran. Interest in similar arrangements has been expressed by Turkey, Russia, Senegal, Bulgaria and Malta, and consultations are under way. This is in addition to the Arab Convention on the Suppression of Terrorism.

Please provide a more detailed description of the procedure and mechanisms in place to assist other States.

Measures to assist other States consist of the exchange of information by means of rapid communications on actual or anticipated terrorist acts and the holding of direct meetings of counter-terrorism officials for the purpose of consultation.

Paragraph 2 (g):

Please describe in more detail how the procedures for the issuance of identity papers and travel documents help prevent the counterfeiting, forgery or fraudulent use of those documents and what measures exist to prevent their forgery, etc.

With regard to the question how the procedures followed in Kuwait help prevent the counterfeiting, forgery or fraudulent use of those documents, the issuance of travel documents is automated, and they bear serial and other numbers particular to each passport. They are special documents that are very difficult to forge. In the event of forgery (and it does sometimes occur), it is easily detected since the Passport Office of the Ministry of the Interior has a special investigation unit that is highly trained in such matters.

Paragraph 3 (a):

Please explain how the competent authorities work together in order to comply with this subparagraph.

The mode of cooperation followed by the competent authorities includes the accumulation and rapid transmission of information by the establishment of hotlines at the disposal of the competent authorities in Kuwait and the other country concerned. This cooperation is effected through communication between the security organs of the Ministry of the Interior and the authorities concerned or by means of diplomatic contacts through the organs of the Ministry of Foreign Affairs.

Neither the office of the Attorney-General or the judicial authorities are directly involved in these communications.

In addition to the exchange of information for the combating of terrorist acts, movements and networks, whether involving counterfeit documents, weapons trading, explosives or weapons of mass destruction, this cooperation includes:

(a) Electronic exchange of information with international counter-terrorism organizations;

(b) Ongoing cooperation with the General Directorate of Customs and the Ministry of the Interior;

(c) Establishment of an effective mechanism for the exchange of information to assist counter-terrorist personnel in the Ministry of the Interior, along the following lines:

Establishment of a specialized unit with a staff selected from individuals trained at the highest levels and having a communication link to all the official counter-terrorism authorities, namely the Customs investigation unit and the Rangers unit. All these units perform their functions with full powers to collect data, to detain and refer suspected persons to the security authorities, to analyse data and to carry out all procedures at all border posts. The Customs authority will shortly put into operation an electronic network using the latest electronic technology to link all border customs posts for the purpose of exchanging information between them and between them and the security authorities. New machines and methodologies characterized by the use of advanced risk-management procedures and technologies in their daily operations have been introduced following the events of 11 September 2001.

Please explain the meaning of "certain suspected persons" referred to in the report under this subparagraph.

This means persons in respect of whom there is serious or reasonable evidence, based on prior investigations or tracking, of behaviour patterns arousing suspicion of their involvement in terrorist acts, whose names are contained in lists of terrorists, of terrorist networks or of drug smugglers or whose connections are such that, on this basis, they are liable to arrest by the investigatory or judicial authorities.

In addition, this expression refers to persons entering the country by any illegal means, by other than authorized routes, on forged passports or without official identity documents, as well as persons entering the country or residing therein for no known specific reason or suspected of belonging to a dubious organization or group.

Paragraph 3, subparagraphs (b) and (c):

With which countries has Kuwait concluded the legal and judicial cooperation treaties and the bilateral treaties to which it refers in the comments on paragraph 3, subparagraphs (b) and (c)?

Please outline the provisions of these treaties.

Kuwait has concluded a cooperation treaty or bilateral security agreement with the Republic of Hungary on the combating of crime and has signed a memorandum of understanding on cooperation in the combating of crime with the Islamic

Republic of Iran. A number of agreements proposed by some other States, such as Turkey, Russia, Senegal, Bulgaria and Malta, are currently under consideration.

Paragraph 3 (e):

Have the crimes set forth in the relevant international instruments relating to terrorism been included as extraditable offences in the bilateral treaties which Kuwait has concluded with other countries as provided for in a number of these instruments?

The bilateral security treaties between the State of Kuwait and other States do not contain any provisions relating to deportation, but if the issue is extradition of suspects, that is left to the discretion of the Ministry of Justice as the competent authority with regard to all matters relating to extradition.

Paragraphs 3, subparagraphs (f) and (g):

Please provide comments on paragraph 3, subparagraphs (f) and (g). Please outline the procedures which are in place to prevent abuse of refugee status by terrorists.

The majority of persons coming to Kuwait are nationals of neighbouring States who have left those countries because of the poor living conditions there. They are deported to other countries on the basis of their wishes and in cooperation and coordination with the Office of the United Nations High Commissioner for Refugees, which in 1996 concluded a cooperation and headquarters agreement with Kuwait and which investigates refugee affairs and applications and determines what is appropriate in this regard.

Paragraph 4:

Has Kuwait addressed any of the concerns expressed in paragraph 4 of the resolution?

In the aftermath of the events of 11 September 2001, the Government of Kuwait has intensified control of the activities of popular and governmental charitable committees and associations and the monitoring of the ways in which contributions in cash and kind are disbursed. However, this topic and such issues or investigations have not arisen in Kuwait, and the office of the Attorney-General does not have any statements or information to offer on the subject.

Other matters

Would your Government please provide copies of the provisions of legislation, regulations and other documents currently in force that relate closely to compliance with paragraphs 1, 2 and 3 of the resolution?

With regard to other legislation and documents currently in force that relate to paragraphs 1, 2 and 3 of Security Council resolution 1373 (2001), we annex hereto a number of the relevant texts on counter-terrorism which are in force in the State of Kuwait and which have been mentioned on numerous occasions in the course of our response to the Committee's questions.

It should be mentioned in this connection that the Government of Kuwait has submitted a number of agreements on counter-terrorism to the National Assembly for approval of Kuwait's accession thereto. These are as follows:

(a) International Convention for the Suppression of the Financing of Terrorism;

(b) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

(c) International Convention for the Suppression of Terrorist Bombings;

(d) Convention on the Physical Protection of Nuclear Material;

(e) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

Could Kuwait please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution?

1. *The financial aspect*. With regard to the administrative machinery relating to the power of financial supervision, the Central Bank of Kuwait is the authority entrusted with oversight over all banks, investment companies, exchange brokerage companies and investment funds in Kuwait, and no entity of this kind may be established without application to and approval by the Central Bank of Kuwait and following a thorough study of the grounds for and the feasibility and appropriateness of granting such approval.

With regard to the relevant rules and legislation, the Central Bank has the right to issue such directives as it deems appropriate to all entities subject to its oversight, for the purpose of ascertaining the soundness of their financial offices and their compliance with all relevant laws, decisions and directives. These include all those relating to the combating of money-laundering and the financing of terrorism and take into account all aspects of banking and finance, as provided for by international agreements, standards and recommendations, in particular the recommendations issued by the Financial Action Task Force and those contained in the international agreements adopted by the United Nations.

The Central Bank plays an integral oversight role, at both the office and the field level, in investigating the extent which the entities under it are implementing the directives issued to them. This regime accords with the principles agreed upon by the Basel Committee and has been assessed by International Monetary Fund experts who have concluded that it meets international standards.

2. *The security aspect*. The Ministry of the Interior has an organizational plan that shows the names of its offices and their areas of competence, including the Immigration Office.

3. *The customs aspect*

(a) Any suspect persons are referred to the competent authority. For example, if a traveller is suspected of carrying narcotic drugs in his baggage, he is referred to the Ministry of Health in order to find out whether the suspicion is

founded or not. If the presence of narcotic drugs, stupefacients in pill form or other prohibited substances is revealed, an official report is drawn up and referred to the competent authority, namely the Ministry of the Interior, and the office of the Attorney-General is requested to bring public suit against the accused.

(b) In the event of arrest, suspects are referred to the Ministry of the Interior, and the office of the Attorney-General is requested to bring public suit against the accused, following the drawing up of the necessary official report.

(c) Nor should the role of the investigation and Ranger forces be overlooked in the uncovering of circumstantial evidence in difficult cases; this may result in arrests for crimes that the perpetrators have tried to conceal with careful plotting. Then there is also the role of the x-ray devices and police dogs used for this purpose in cooperation with the Ministry of the Interior.

4. *The commercial aspect.* With regard to the legislation in force in Kuwait concerning commercial activity and the regulation and monitoring thereof, we may cite by way of example law No. 15 of 1960 on commercial companies, law No. 36 of 1964 on the regulation of commercial agencies, law No. 8 of 2001 on the investment of foreign capital and, lastly, law No. 35 of 2002 on combating money-laundering and the funding of terrorism. The ministerial bill on directives to be followed for the combating of operations involving money-laundering and the funding of terrorism makes it mandatory for the companies and institutions governed by those laws to obtain a permit from the Ministry of Trade and Industry in accordance with legal and regulatory provisions before embarking on their activity. In addition, oversight bodies have been established in this area to ascertain the true nature of the activity of any institution or company and ensure the legitimacy of the activities undertaken by it. The powers of these oversight bodies ensure that they are able to obtain a knowledge of the financial assets of these companies or institutions, the movement of such assets and all related rights and the locations in which the companies or institutions carry on their activity.

The CTC would be grateful to receive further information on:

(a) Issues relating to the current status of laws and procedures in your country and other current information (as soon as possible);

(b) Issues relating to the outcome of international negotiations, parliamentary measures or similar matters.

As we have said above, the Government (Council of Ministers) has agreed in principle to accession to the following agreements:

(a) International Convention for the Suppression of the Financing of Terrorism;

(b) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

(c) International Convention for the Suppression of Terrorist Bombings;

(d) Convention on the Physical Protection of Nuclear Material;

(e) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

These agreements are still before the National Assembly pending decision.

Law No. 35 of 2002 on the combating of money-laundering deals entirely with the ban on funds deriving from unlawful sources and their representation as funds arising from lawful activities.

Enclosure 2

Number	*Name of law, agreement, decision or regulation*
1	Law on residence of aliens
2	Law No. 11 of 1962 on passports, amended by law No. 22 of 1963 and law No. 15 of 1977
3	Law No. 16 of 1960 promulgating the Penal Code and law No. 31 of 1970 amending certain provisions of the Penal Code (law No. 16 of 1960)
4	Law No. 17 of 1960 promulgating the Code of Criminal Procedure
5	Law No. 35 of 1985 on explosives offences
6	Decree enacting law No. 13 of 1991 on weapons and ammunition
7	Law No.6 of 1994 on crimes relating to the safety of aircraft and aerial navigation
8	Law No. 32 of 1968 concerning money, the Central Bank of Kuwait and the banking profession
9	The Commercial Companies law (law No. 15 of 1960)
10	Law No. 36 of 1964 regulating commercial agencies and the implementing regulation appended thereto
11	Law No. 8 of 2001 on the investment of foreign capital
12	Law No. 35 of 2002 on the combating of money-laundering operations
13	Ministerial decision of 2002 on directives to be followed for the combating of money-laundering
14	Agreement between the State of Kuwait and the Arab Republic of Egypt on legal and judicial cooperation in civil, commercial and criminal matters and matters of personal status
15	Ordinance No. 25 of 1990 approving the Agreement between the State of Kuwait and the Arab Republic of Egypt on the transfer of persons sentenced to a custodial penalty
16	Arab Riyadh Agreement on Judicial Cooperation, 1995
17	Ordinance approving law No. 292 of 1998 approving the Agreement between the State of Kuwait and the Government of the Republic of Hungary on cooperation in combating organized crime
18	Memorandum of Understanding between the governments of the State of Kuwait and the Islamic Republic of Iran on cooperation in combating crime
19	Gulf Cooperation Council Convention on the enforcement of judgements, letters rogatory and judicial notices

Number	*Name of law, agreement, decision or regulation*
20	Agreement between the State of Kuwait and the Republic of Romania on judicial cooperation in civil, commercial, criminal and personal status matters
21	Law No. 7 of 1964 approving the Agreement between the State of Kuwait and the Lebanese Republic on judicial notices and letters rogatory
22	Agreement between the State of Kuwait and the Lebanese Republic on the enforcement of judgements
23	Ordinance approving law No. 19 of 1989 approving the Agreement between Kuwait and the People's Republic of Bulgaria on legal and judicial cooperation in civil and criminal matters
24	The Inter-Arab Convention on the Enforcement of Judgements
25	The Arab Convention on the Extradition of Offenders
26	Arab Convention on Judicial Notices and Letters Rogatory
27	Arab Convention on the Suppression of Terrorism
28	Cooperation Agreement between the Government of the State of Kuwait and the United Nations High Commissioner for Refugees